



Honorable Linda B. Riegle
United States Bankruptcy Judge



Entered on Docket
January 17, 2012

LEWIS AND ROCA LLP

Robert M. Charles, Jr. (NV 6593)
John Hinderaker (AZ 018024)
Marvin Ruth (NV 10979)
3993 Howard Hughes Parkway, Ste. 600
Las Vegas, Nevada 89169-5996
Telephone (702) 949-8320
Facsimile (702) 949-8321
Email: rcharles@lrlaw.com
jhinderaker@lrlaw.com
mruth@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Stipulated Order Approving Withdrawal
Of Proofs Of Claim Filed By Arthur Kriss**

The Stipulated Motion for Approval of Compromise Settlement of Claims [DE 9649] ("Stipulated Motion") to settle the proofs of claim filed by Arthur Kriss [Proof of Claim Nos. 10725-01874, 01875, 01876, and 01877] came before the Court for consideration. No notice being necessary and good cause appearing,

IT IS ORDERED:

- that the Stipulated Motion is GRANTED;
- The Proofs of Claim filed by Arthur Kriss are resolved as follows:
 - Proof of Claim No. 10725-01874 in the amount of \$50,000 will be allowed in full as a general unsecured claim;

- 1 ▪ Proof of Claim No. 10725-01875 in the amount of \$120,000 will be allowed
- 2 as a general unsecured claim in the amount of \$18,000 (15% of the total
- 3 claim amount). The balance of Proof of Claim No. 10725-01875 (\$102,000)
- 4 will be disallowed;
- 5 ▪ Proof of Claim No. 10725-01876 in the amount of \$50,000 will be allowed
- 6 as a general unsecured claim in the amount of \$7,500 (15% of the total claim
- 7 amount). The balance of Proof of Claim No. 10725-01876 (\$42,500) will be
- 8 disallowed;
- 9 ▪ Proof of Claim No. 10725-01877 in the amount of \$24,483.61 will be
- 10 allowed as a general unsecured claim in the amount of \$3,672.54 (15% of the
- 11 total claim amount). The balance of Proof of Claim No. 10725-01877
- 12 (\$20,811.07) will be disallowed;
- 13 ▪ Based upon the portions of Proof of Claim Nos. 10725-01874, 01875, 01876
- 14 and 01877 allowed as general unsecured claims (\$79,172.54), the Trust will
- 15 make an immediate 4.92% distribution (\$3,895.29) to Kriss as his pro rata
- 16 share of the funds reserved by the Trust from the initial creditor distribution.
- 17 All other funds reserved for the Kriss Claims will be released from the
- 18 Disputed Claims Reserve and made available to the Trust for whatever
- 19 purpose is appropriate in the administration of the Trust.
- 20 ▪ Kriss will share in future distributions pro rata based upon the amounts of his
- 21 allowed claims, listed in paragraph 4 above.
- 22 ▪ The relevant omnibus objections [DE Nos. 8892, 8322, 8253 and 8655], as
- 23 they relate to the Kriss Claims only, shall be deemed withdrawn as moot.
- 24 ▪ Each party shall bear their own costs and attorneys' fees.
- 25 ▪ The Kriss Motion for Default Judgment [DE 9540] and Motion for
- 26 Summary Judgment on Proof of Claim 10725-01876 [DE 9012] shall be
- deemed withdrawn, no further hearings on these motions will be conducted
- and all remaining calendared court dates related to them shall be vacated.

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2 APPROVED AS TO FORM AND CONTENT:

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4 /s/ Arthur Kriss

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6 PREPARED AND RESPECTFULLY SUBMITTED BY:

7 **LEWIS AND ROCA LLP**

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9 By /s/ John Hinderaker (AZ 018024)

10 Robert M. Charles, Jr.

11 John Hinderaker (*pro hac vice*)

12 3993 Howard Hughes Parkway, Ste. 600

13 Las Vegas, Nevada 89169-5996

14 Telephone: (702) 949-8320

15 Facsimile: (702) 949-8321

16 *Attorneys for USACM Liquidating Trust*

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